

DDA Registry

File

Vehicle

OGC 77-2052

3 - 30-77

DDA 77-1718

1 April 1977

MEMORANDUM FOR THE RECORD

SUBJECT: Home-to-Work Transportation for the
Director of Central Intelligence

1. The attached legal opinion from the Office of General Counsel, dated 15 March 1977, states that providing home-to-work transportation for the Director of Central Intelligence is legally proper if the appropriate determination has been made and that under Headquarters Regulation [REDACTED] I am charged with making that determination.

STATINTL

2. Accordingly, I have determined that this particular "transportation requirement arises out of, or has some relationship to, the unusual functions assigned to the Agency."

STATINTL

[REDACTED]
John F. Blake
Deputy Director
for
Administration

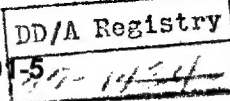
Att:

Memo dtd 15 Mar 77 to DDA
fr OGC, subj: Reply to
Senator Wm. Proxmire's
Letter of 2 Feb 77 Regarding
Use of Official Cars by Gov't
Employees, w/att

cc: OGC [REDACTED]

Distribution:

Orig - DDA Subject w/att
1 - DDA chrono
1 - JFB Chrono
1 - MJM Chrono



OGC 77-1673
15 March 1977

MEMORANDUM FOR: Deputy Director for Administration

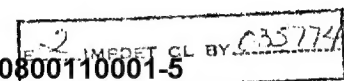
FROM: [REDACTED]
Office of General Counsel

SUBJECT: Reply to Senator William Proxmire's Letter
of 2 February 1977 Regarding Use of
Official Cars by Government Employees

1. On 7 February 1977 this Office received a request from the Office of Legislative Counsel for assistance in replying to a letter from Senator William Proxmire (dated 2 February 1977) inquiring about the above subject.

2. On 9 February the undersigned met with [REDACTED] of OLC and provided assistance in preparing a response to questions 3 and 4 of Senator Proxmire's letter. Our input was based upon the attached OGC opinion. This opinion was prepared in response to a question that was raised some months ago with respect to the authority of the Agency to provide transportation from home to work for the D/DCI/IC. You will note that paragraph 12 of this opinion concludes that providing such transportation is legally proper if the appropriate determination was made. By regulation [REDACTED] you are charged with that determination.

Att.
A/S



SECRET

OGC 77-1672
15 March 1977

MEMORANDUM FOR: Deputy Director for Administration
FROM: [REDACTED]
Office of General Counsel
SUBJECT: Use of Government Transportation
Between Home and Office

1. You have requested an opinion from this Office as to when and to whom transportation between home and office in an official Government vehicle may be provided. Set forth below is our opinion that such transportation may be provided in accordance with existing statutory criteria upon proper determination by the DDA.

2. 31 U.S.C. 638a(c), applicable to all Government agencies, generally provides that:

Unless otherwise specifically provided, no appropriation available for any department shall be expended--

* * *

(2) for the maintenance, operation, and repair of any Government-owned passenger motor vehicle or aircraft not used exclusively for official purposes; and 'official purposes' shall not include the transportation of officers and employees between their domiciles and places of employment, except in cases of medical officers on out-patient medical service and except in cases of officers and employees engaged in field work the character of whose duties makes such transportation necessary and then only as to such latter cases when the same is approved by the head of the department concerned.... (Emphasis added.)

* * *

SECRET

...The limitations of this paragraph shall not apply to any motor vehicles or aircraft for official use of the President, the heads of the executive departments enumerated in section 101 of Title 5, ambassadors, ministers, charges d'affaires, and other principal diplomatic and consular officials.

31 U.S.C. 538a is the codification of Pub. L. 600, 60 Stat. 806, which was originally designated as 5 U.S.C. 78 in an earlier version of the U.S. Code.

3. Executive Order 10579, dated 30 November 1954, delegates to the General Services Administration (GSA) the authority to promulgate regulations regarding the use of Government-owned or leased vehicles. Pursuant to this authority, GSA promulgated 31 C.F.R. 101-39.602-1 which states:

(a) Officers and employees of the Government shall use Government-owned or leased vehicles for official purposes only. 'Official purposes' does not include transportation of an officer or employee between his place of residence and place of employment, unless authorized under the provisions of 31 U.S.C. 638a(c)(2), or other applicable law....

4. Under the statute and regulation cited, the use of a motor vehicle for the purpose of commuting between places of residence and place of employment may only be considered for official purposes where it involves:

- a. a medical officer on out-patient service;
- b. an officer or employee engaged in field work, the character of whose duties makes the transportation necessary and such use has been approved by the head of the department concerned;
- c. in the case of the President, the heads of executive departments enumerated in section 101 of Title 5, ambassador, ministers, charges d'affaires, and other principal diplomatic or consular officials; or
- d. when otherwise specifically provided by other applicable law.

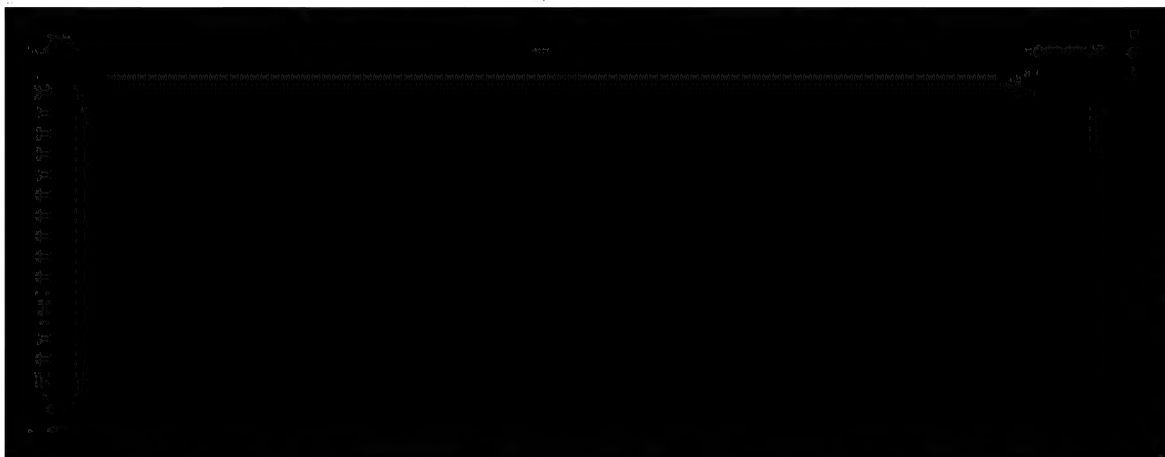
5. The Agency presently provides home-to-work transportation to the DCI, the DDCI and the D/DCI/IC. None of these officers fall within the categories mentioned above. Subparagraph (c) is not applicable to the present case because the DCI, the DDCI and the D/DCI/IC do not fall within the definition

of "the heads of executive departments" as enumerated in section 101 of Title 5. 5 U.S.C. 101 defines "executive departments" as:

The Department of State.
The Department of the Treasury.
The Department of Defense.
The Department of Justice.
The Post Office Department.
The Department of the Interior.
The Department of Agriculture.
The Department of Commerce.
The Department of Labor.
The Department of Health, Education,
and Welfare.
The Department of Housing and
Urban Development.
The Department of Transportation.

The Central Intelligence Agency is an independent establishment as defined in 5 U.S.C. 104, and while considered an executive agency for most purposes, it is not considered to be an executive department. Absent any factors satisfying the first three exceptions, we must determine the existence of any authority otherwise provided for by "applicable law" as permitted in subparagraph (d).

FOIAb5



7. The Agency policy established by the DCI to implement this statutory authority is found at [REDACTED] which states:

25X1A

FOIAb5

Approved For Release 2001/09/06 : CIA-RDP80-00473A000800110001-5

Next 1 Page(s) In Document Exempt

Approved For Release 2001/09/06 : CIA-RDP80-00473A000800110001-5

Extracted from: Conference Committee Report on H.R. 14262, Department of Defense 1977 Appropriation.

TITLE VIII—RELATED AGENCY

INTELLIGENCE COMMUNITY OVERSIGHT

Amendment No. 113: Appropriates \$5,600,000 for "Intelligence Community Oversight" as proposed by the House.

The conferees agreed that a separate appropriation for "Intelligence Community Oversight" would give increased independence and stature to the activities of the Intelligence Community Staff and to the National Foreign Intelligence Board. This independence will help assure vigorous oversight of the intelligence community.

The conferees also agreed that a public appropriation would do no harm and could do much good as a symbol of the congressional intent that there be strong, central direction of the intelligence community. The conferees agreed, however, that other elements of the intelligence and intelligence-related budgets should not be revealed, since to do so could result in harmful effects to United States security.

The main desire of the conferees is to enable the Intelligence Community Staff and the National Foreign Intelligence Board to achieve policy independence. There is no intent to preclude the provision under the Economy Act and other general authorities of certain administrative services, including but not limited to, security, communications, financial, logistics, and computer services by other elements of the intelligence community (or even the non-intelligence community within the dictates of security). However, any such administrative services must be funded from the "Intelligence Community Oversight" appropriation through transfers or other appropriate devices. There is to be no augmentation of this appropriation, except by supplemental appropriations. There is also to be no carryover of unobligated funds, since this is intended to be an annual appropriation. The normal apportionment procedures of the Office of Management and Budget should apply to this appropriation. Within the above caveats, the conferees agreed that, to the extent it is permissible under existing law, the authorities granted to the Director of Central Intelligence and to the Central Intelligence Agency in regard to such activities as hiring and procurement practices may apply to the activities funded by the "Intelligence Community Oversight" appropriation.

While the conferees have no objection to provision of reimbursed support services from other sources, they feel it would be inappropriate to depend on other sources for policy sensitive services. To do so would be to deny the intent of Congress, which is that the Intelligence Community Staff and the National Foreign Intelligence Board be totally independent.

The Committees will expect that separate budget justifications and congressional testimony shall be presented in defense of the 1978 budget request for "Intelligence Community Oversight". This justification material in addition to the normal information concerning personnel levels and dollars requested, shall include a discussion of the principal achievements of the Intelligence Community Staff, the National Foreign Intelligence Board, and the Committee on Foreign Intelligence, including a summary by program and agency of the amounts requested and the amounts approved for intelligence and intelligence related activities.

OGC 17 - 2052
3-20-77

DDA 77-1718

1 April 1977

MEMORANDUM FOR THE RECORD

SUBJECT: Home-to-Work Transportation for the
Deputy Director of Central Intelligence

1. The attached legal opinion from the Office of General Counsel, dated 15 March 1977, states that providing home-to-work transportation for the Deputy Director of Central Intelligence is legally proper if the appropriate determination has been made and that under Headquarters Regulation [REDACTED] I am charged with making that determination.

STATINTL

2. Accordingly, I have determined that this particular "transportation requirement arises out of, or has some relationship to, the unusual functions assigned to the Agency."

STATINTL

[REDACTED]
John F. Blake
Deputy Director
for
Administration

Att:

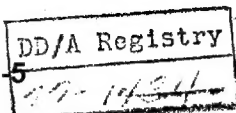
Memo dtd 15 Mar 77 to DDA
fr OGC, subj: Reply to
Senator Wm. Proxmire's
Letter of 2 Feb 77 Regarding
Use of Official Cars by Gov't
Employees, w/att

cc: OGC [REDACTED]

Distribution:

~~Orig~~ - DDA Subject w/att
1 - DDA Chrono
1 - JFB Chrono
1 - MJM Chrono

ADDA: MJMalanick: kmg (30 Mar 77)



OGC 77-1673
15 March 1977

MEMORANDUM FOR: Deputy Director for Administration

25X1A
FROM:

[REDACTED]
Office of General Counsel

SUBJECT:

Reply to Senator William Proxmire's Letter
of 2 February 1977 Regarding Use of
Official Cars by Government Employees

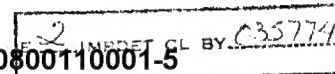
1. On 7 February 1977 this Office received a request from the Office of Legislative Counsel for assistance in replying to a letter from Senator William Proxmire (dated 2 February 1977) inquiring about the above subject.

2. On 9 February the undersigned met with [REDACTED] of OLC and provided assistance in preparing a response to questions 3 and 4 of Senator Proxmire's letter. Our input was based upon the attached OGC opinion. This opinion was prepared in response to a question that was raised some months ago with respect to the authority of the Agency to provide transportation from home to work for the D/DCI/IC. You will note that paragraph 12 of this opinion concludes that providing such transportation is legally proper if the appropriate determination was made. By regulation [REDACTED], you are charged with that determination.

25X1A

25X1A

25X1A
Att.
A/S



OGC 77-1672
15 March 1977

MEMORANDUM FOR: Deputy Director for Administration

FROM: [REDACTED]
Office of General Counsel

SUBJECT: Use of Government Transportation
Between Home and Office

1. You have requested an opinion from this Office as to when and to whom transportation between home and office in an official Government vehicle may be provided. Set forth below is our opinion that such transportation may be provided in accordance with existing statutory criteria upon proper determination by the DDA.

2. 31 U.S.C. 638a(c), applicable to all Government agencies, generally provides that:

Unless otherwise specifically provided, no appropriation available for any department shall be expended--

* * *

(2) for the maintenance, operation, and repair of any Government-owned passenger motor vehicle or aircraft not used exclusively for official purposes; and 'official purposes' shall not include the transportation of officers and employees between their domiciles and places of employment, except in cases of medical officers on out-patient medical service and except in cases of officers and employees engaged in field work the character of whose duties makes such transportation necessary and then only as to such latter cases when the same is approved by the head of the department concerned....
(Emphasis added.)

* * *

SECRET

2 IMPDET CL BY 035774

...The limitations of this paragraph shall not apply to any motor vehicles or aircraft for official use of the President, the heads of the executive departments enumerated in section 101 of Title 5, ambassadors, ministers, charges d'affaires, and other principal diplomatic and consular officials.

31 U.S.C. 538a is the codification of Pub. L. 600, 60 Stat. 806, which was originally designated as 5 U.S.C. 78 in an earlier version of the U.S. Code.

3. Executive Order 10579, dated 30 November 1954, delegates to the General Services Administration (GSA) the authority to promulgate regulations regarding the use of Government-owned or leased vehicles. Pursuant to this authority, GSA promulgated 31 C.F.R. 101-39.602-1 which states:

(a) Officers and employees of the Government shall use Government-owned or leased vehicles for official purposes only. 'Official purposes' does not include transportation of an officer or employee between his place of residence and place of employment, unless authorized under the provisions of 31 U.S.C. 638a(c)(2), or other applicable law....

4. Under the statute and regulation cited, the use of a motor vehicle for the purpose of commuting between places of residence and place of employment may only be considered for official purposes where it involves:

- a. a medical officer on out-patient service;
- b. an officer or employee engaged in field work, the character of whose duties makes the transportation necessary and such use has been approved by the head of the department concerned;
- c. in the case of the President, the heads of executive departments enumerated in section 101 of Title 5, ambassador, ministers, charges d'affaires, and other principal diplomatic or consular officials; or
- d. when otherwise specifically provided by other applicable law.

5. The Agency presently provides home-to-work transportation to the DCI, the DDCI and the D/DCI/IC. None of these officers fall within the categories mentioned above. Subparagraph (c) is not applicable to the present case because the DCI, the DDCI and the D/DCI/IC do not fall within the definition

of "the heads of executive departments" as enumerated in section 101 of Title 5. 5 U.S.C. 101 defines "executive departments" as:

The Department of State.
The Department of the Treasury.
The Department of Defense.
The Department of Justice.
The Post Office Department.
The Department of the Interior.
The Department of Agriculture.
The Department of Commerce.
The Department of Labor.
The Department of Health, Education,
and Welfare.
The Department of Housing and
Urban Development.
The Department of Transportation.

The Central Intelligence Agency is an independent establishment as defined in 5 U.S.C. 104, and while considered an executive agency for most purposes, it is not considered to be an executive department. Absent any factors satisfying the first three exceptions, we must determine the existence of any authority otherwise provided for by "applicable law" as permitted in subparagraph (d). FOIAb5



7. The Agency policy established by the DCI to implement this statutory authority is found at [REDACTED] which states:

25X1A

FOIAb5

Approved For Release 2001/09/06 : CIA-RDP80-00473A000800110001-5

Next 1 Page(s) In Document Exempt

Approved For Release 2001/09/06 : CIA-RDP80-00473A000800110001-5

Extracted from: Conference Committee Report on HR 14262, Department of Defense 1977 Appropriation.

TITLE VIII—RELATED AGENCY

INTELLIGENCE COMMUNITY OVERSIGHT

Amendment No. 113: Appropriates \$5,600,000 for "Intelligence Community Oversight" as proposed by the House.

The conferees agreed that a separate appropriation for "intelligence Community Oversight" would give increased independence and stature to the activities of the Intelligence Community Staff and to the National Foreign Intelligence Board. This independence will help assure vigorous oversight of the intelligence community.

The conferees also agreed that a public appropriation would do no harm and could do much good as a symbol of the congressional intent that there be strong, central direction of the intelligence community. The conferees agreed, however, that other elements of the intelligence and intelligence-related budgets should not be revealed, since to do so could result in harmful effects to United States security.

The main desire of the conferees is to enable the Intelligence Community Staff and the National Foreign Intelligence Board to achieve policy independence. There is no intent to preclude the provision under the Economy Act and other general authorities of certain administrative services, including but not limited to, security, communications, financial, logistics, and computer services by other elements of the intelligence community (or even the non-intelligence community within the dictates of security). However, any such administrative services must be funded from the "Intelligence Community Oversight" appropriation through transfers or other appropriate devices. There is to be no augmentation of this appropriation, except by supplemental appropriations. There is also to be no carryover of unobligated funds, since this is intended to be an annual appropriation. The normal apportionment procedures of the Office of Management and Budget should apply to this appropriation. Within the above caveats, the conferees agreed that, to the extent it is permissible under existing law, the authorities granted to the Director of Central Intelligence and to the Central Intelligence Agency in regard to such activities as hiring and procurement practices may apply to the activities funded by the "Intelligence Community Oversight" appropriation.

While the conferees have no objection to provision of reimbursed support services from other sources, they feel it would be inappropriate to depend on other sources for policy sensitive services. To do so would be to deny the intent of Congress, which is that the Intelligence Community Staff and the National Foreign Intelligence Board be totally independent.

The Committees will expect that separate budget justifications and congressional testimony shall be presented in defense of the 1978 budget request for "Intelligence Community Oversight". This justification material in addition to the normal information concerning personnel levels and dollars requested, shall include a discussion of the principal achievements of the Intelligence Community Staff, the National Foreign Intelligence Board, and the Committee on Foreign Intelligence, including a summary by program and agency of the amounts requested and the amounts approved for intelligence and intelligence related activities.

06077-2052

5-30-77

DDA 77-1718

1 April 1977

MEMORANDUM FOR THE RECORD

SUBJECT: Home-to-Work Transportation for the
Deputy to the DCI for the Intelligence
Community

1. The attached legal opinion from the Office of General Counsel, dated 15 March 1977, states that providing home-to-work transportation for the Deputy to the DCI for the Intelligence Community is legally proper if the appropriate determination has been made and that under Headquarters Regulation [REDACTED] I am charged with making that determination.

STATINTL

2. Accordingly, I have determined that this particular "transportation requirement arises out of, or has some relationship to, the unusual functions assigned to the Agency."

STATINTL

[REDACTED]
John F. Blake
Deputy Director
for
Administration

Att:

Memo dtd 15 Mar 77 to DDA
fr OGC, subj: Reply to
Senator Wm. Proxmire's
Letter of 2 Feb 77 Regarding
Use of Official Cars by Gov't
Employees, w/att

cc: OGC [REDACTED]

Distribution:

Orig - DDA Subject w/att
1 - DDA Chrono
1 - JFB Chrono
1 - MJM Chrono

ADDA: MJMalanick:kmg (30 Mar 77)

STATINTL

OGC 77-1673
15 March 1977

MEMORANDUM FOR: Deputy Director for Administration

FROM:

[REDACTED]
Office of General Counsel

SUBJECT: Reply to Senator William Proxmire's Letter
of 2 February 1977 Regarding Use of
Official Cars by Government Employees

1. On 7 February 1977 this Office received a request from the Office of Legislative Counsel for assistance in replying to a letter from Senator William Proxmire (dated 2 February 1977) inquiring about the above subject.

2. On 9 February the undersigned met with [REDACTED] of OLC and provided assistance in preparing a response to questions 3 and 4 of Senator Proxmire's letter. Our input was based upon the attached OGC opinion. This opinion was prepared in response to a question that was raised some months ago with respect to the authority of the Agency to provide transportation from home to work for the D/DCI/IC. You will note that paragraph 12 of this opinion concludes that providing such transportation is legally proper if the appropriate determination was made. By regulation [REDACTED], you are charged with that determination.

Att.
A/S

OGC 77-1672
15 March 1977

MEMORANDUM FOR: Deputy Director for Administration

FROM: [REDACTED]
Office of General Counsel

SUBJECT: Use of Government Transportation
Between Home and Office

1. You have requested an opinion from this Office as to when and to whom transportation between home and office in an official Government vehicle may be provided. Set forth below is our opinion that such transportation may be provided in accordance with existing statutory criteria upon proper determination by the DDA.

2. 31 U.S.C. 638a(c), applicable to all Government agencies, generally provides that:

Unless otherwise specifically provided, no appropriation available for any department shall be expended--

* * *

(2) for the maintenance, operation, and repair of any Government-owned passenger motor vehicle or aircraft not used exclusively for official purposes; and 'official purposes' shall not include the transportation of officers and employees between their domiciles and places of employment, except in cases of medical officers on out-patient medical service and except in cases of officers and employees engaged in field work the character of whose duties makes such transportation necessary and then only as to such latter cases when the same is approved by the head of the department concerned....
(Emphasis added.)

* * *

...The limitations of this paragraph shall not apply to any motor vehicles or aircraft for official use of the President, the heads of the executive departments enumerated in section 101 of Title 5, ambassadors, ministers, charges d'affaires, and other principal diplomatic and consular officials.

31 U.S.C. 538a is the codification of Pub. L. 600, 60 Stat. 806, which was originally designated as 5 U.S.C. 78 in an earlier version of the U.S. Code.

3. Executive Order 10579, dated 30 November 1954, delegates to the General Services Administration (GSA) the authority to promulgate regulations regarding the use of Government-owned or leased vehicles. Pursuant to this authority, GSA promulgated 31 C.F.R. 101-39.602-1 which states:

(a) Officers and employees of the Government shall use Government-owned or leased vehicles for official purposes only. 'Official purposes' does not include transportation of an officer or employee between his place of residence and place of employment, unless authorized under the provisions of 31 U.S.C. 638a(c)(2), or other applicable law....

4. Under the statute and regulation cited, the use of a motor vehicle for the purpose of commuting between places of residence and place of employment may only be considered for official purposes where it involves:

- a. a medical officer on out-patient service;
- b. an officer or employee engaged in field work, the character of whose duties makes the transportation necessary and such use has been approved by the head of the department concerned;
- c. in the case of the President, the heads of executive departments enumerated in section 101 of Title 5, ambassador, ministers, charges d'affaires, and other principal diplomatic or consular officials; or
- d. when otherwise specifically provided by other applicable law.

5. The Agency presently provides home-to-work transportation to the DCI, the DDCI and the D/DCI/IC. None of these officers fall within the categories mentioned above. Subparagraph (c) is not applicable to the present case because the DCI, the DDCI and the D/DCI/IC do not fall within the definition

of "the heads of executive departments" as enumerated in section 101 of Title 5. 5 U.S.C. 101 defines "executive departments" as:

The Department of State.
The Department of the Treasury.
The Department of Defense.
The Department of Justice.
The Post Office Department.
The Department of the Interior.
The Department of Agriculture.
The Department of Commerce.
The Department of Labor.
The Department of Health, Education,
and Welfare.
The Department of Housing and
Urban Development.
The Department of Transportation.

The Central Intelligence Agency is an independent establishment as defined in 5 U.S.C. 104, and while considered an executive agency for most purposes, it is not considered to be an executive department. Absent any factors satisfying the first three exceptions, we must determine the existence of any authority otherwise provided for by "applicable law" as permitted in subparagraph (d).

FOIAb5



7. The Agency policy established by the DCI to implement this statutory authority is found at [REDACTED] which states:

25X1A

FOIAb5

Approved For Release 2001/09/06 : CIA-RDP80-00473A000800110001-5

Next 1 Page(s) In Document Exempt

Approved For Release 2001/09/06 : CIA-RDP80-00473A000800110001-5

Extracted from: Conference Committee Report on HR 14262, Department of Defense 1977 Appropriation.

TITLE VIII—RELATED AGENCY

INTELLIGENCE COMMUNITY OVERSIGHT

Amendment No. 113: Appropriates \$5,600,000 for "Intelligence Community Oversight" as proposed by the House.

The conferees agreed that a separate appropriation for "Intelligence Community Oversight" would give increased independence and stature to the activities of the Intelligence Community Staff and to the National Foreign Intelligence Board. This independence will help assure vigorous oversight of the intelligence community.

The conferees also agreed that a public appropriation would do no harm and could do much good as a symbol of the congressional intent that there be strong, central direction of the intelligence community. The conferees agreed, however, that other elements of the intelligence and intelligence-related budgets should not be revealed, since to do so could result in harmful effects to United States security.

The main desire of the conferees is to enable the Intelligence Community Staff and the National Foreign Intelligence Board to achieve policy independence. There is no intent to preclude the provision under the Economy Act and other general authorities of certain administrative services, including but not limited to, security, communications, financial, logistics, and computer services by other elements of the intelligence community (or even the non-intelligence community within the dictates of security). However, any such administrative services must be funded from the "Intelligence Community Oversight" appropriation through transfers or other appropriate devices. There is to be no augmentation of this appropriation, except by supplemental appropriations. There is also to be no carryover of unobligated funds, since this is intended to be an annual appropriation. The normal apportionment procedures of the Office of Management and Budget should apply to this appropriation. Within the above caveats, the conferees agreed that, to the extent it is permissible under existing law, the authorities granted to the Director of Central Intelligence and to the Central Intelligence Agency in regard to such activities as hiring and procurement practices may apply to the activities funded by the "Intelligence Community Oversight" appropriation.

While the conferees have no objection to provision of reimbursed support services from other sources, they feel it would be inappropriate to depend on other sources for policy sensitive services. To do so would be to deny the intent of Congress, which is that the Intelligence Community Staff and the National Foreign Intelligence Board be totally independent.

The Committees will expect that separate budget justifications and congressional testimony shall be presented in defense of the 1978 budget request for "Intelligence Community Oversight". This justification material in addition to the normal information concerning personnel levels and dollars requested, shall include a discussion of the principal achievements of the Intelligence Community Staff, the National Foreign Intelligence Board, and the Committee on Foreign Intelligence, including a summary by program and agency of the amounts requested and the amounts approved for intelligence and intelligence related activities.

Approved For Release 2001/09/06 : CIA-RDP80-00473A000800110001-5

SENDER WILL CHECK CLASSIFICATION TOP AND BOTTOM			
UNCLASSIFIED		CONFIDENTIAL	
OFFICIAL ROUTING SLIP			
TO	NAME AND ADDRESS	DATE	INITIALS
1	OGC Attn: [REDACTED] 7D 07 Hqs	9 0 MAR 1977	gmH
2			
3	ADDA 7D 24 Hqs	3 0 MAR 1977	ky
4			
5	DDA 7D 24 Hqs	1 APR 1977	3
6	Registry		
ACTION		DIRECT REPLY	PREPARE REPLY
APPROVAL		DISPATCH	RECOMMENDATION
COMMENT		FILE	RETURN
CONCURRENCE		INFORMATION	SIGNATURE
Atts: DDA 77-171.			
Remarks:			
To 1: For concurrence prior to Mr. Blake's signature			
CONCURRENCE [REDACTED]			
To 5: For signature.			
FOLD HERE TO RETURN TO SENDER			
FROM: NAME, ADDRESS AND PHONE NO.			DATE
Michael J. Malanick ADDA 7D 24 Hqs [REDACTED]			5 0 MAR 1977
UNCLASSIFIED		CONFIDENTIAL	

Approved For Release 2001/09/06 : CIA-RDP80-00473A000800110001-5

STATINTL

STATINTL

STATOTHR

~~SECRET~~

DD/A Registry
77-1434

OGC 77-1673
15 March 1977

MEMORANDUM FOR: Deputy Director for Administration

FROM:

[REDACTED]
Office of General Counsel

SUBJECT: Reply to Senator William Proxmire's Letter
of 2 February 1977 Regarding Use of
Official Cars by Government Employees

1. On 7 February 1977 this Office received a request from the Office of Legislative Counsel for assistance in replying to a letter from Senator William Proxmire (dated 2 February 1977) inquiring about the above subject.

2. On 9 February the undersigned met with [REDACTED] of OLC and provided assistance in preparing a response to questions 3 and 4 of Senator Proxmire's letter. Our input was based upon the attached OGC opinion. This opinion was prepared in response to a question that was raised some months ago with respect to the authority of the Agency to provide transportation from home to work for the D/DCI/IC. You will note that paragraph 12 of this opinion concludes that providing such transportation is legally proper if the appropriate determination was made. By regulation [REDACTED], you are charged with that determination.

Att.
A/S

[REDACTED]

~~SECRET~~

2 BY 035774

~~SECRET~~

OGC 77-1672
15 March 1977

MEMORANDUM FOR: Deputy Director for Administration
FROM: [REDACTED]
Office of General Counsel
SUBJECT: Use of Government Transportation
Between Home and Office

1. You have requested an opinion from this Office as to when and to whom transportation between home and office in an official Government vehicle may be provided. Set forth below is our opinion that such transportation may be provided in accordance with existing statutory criteria upon proper determination by the DDA.

2. 31 U.S.C. 638a(c), applicable to all Government agencies, generally provides that:

Unless otherwise specifically provided, no appropriation available for any department shall be expended--

*

*

*

(2) for the maintenance, operation, and repair of any Government-owned passenger motor vehicle or aircraft not used exclusively for official purposes; and 'official purposes' shall not include the transportation of officers and employees between their domiciles and places of employment, except in cases of medical officers on out-patient medical service and except in cases of officers and employees engaged in field work the character of whose duties makes such transportation necessary and then only as to such latter cases when the same is approved by the head of the department concerned... (Emphasis added.)

*

*

*

~~SECRET~~

~~SECRET~~

...The limitations of this paragraph shall not apply to any motor vehicles or aircraft for official use of the President, the heads of the executive departments enumerated in section 101 of Title 5, ambassadors, ministers, charges d'affaires, and other principal diplomatic and consular officials.

31 U.S.C. 538a is the codification of Pub. L. 600, 60 Stat. 806, which was originally designated as 5 U.S.C. 78 in an earlier version of the U.S. Code.

3. Executive Order 10579, dated 30 November 1954, delegates to the General Services Administration (GSA) the authority to promulgate regulations regarding the use of Government-owned or leased vehicles. Pursuant to this authority, GSA promulgated 31 C.F.R. 101-39.602-1 which states:

(a) Officers and employees of the Government shall use Government-owned or leased vehicles for official purposes only. 'Official purposes' does not include transportation of an officer or employee between his place of residence and place of employment, unless authorized under the provisions of 31 U.S.C. 638a(c)(2), or other applicable law....

4. Under the statute and regulation cited, the use of a motor vehicle for the purpose of commuting between places of residence and place of employment may only be considered for official purposes where it involves:

- a. a medical officer on out-patient service;
- b. an officer or employee engaged in field work, the character of whose duties makes the transportation necessary and such use has been approved by the head of the department concerned;
- c. in the case of the President, the heads of executive departments enumerated in section 101 of Title 5, ambassador, ministers, charges d'affaires, and other principal diplomatic or consular officials; or
- d. when otherwise specifically provided by other applicable law.

5. The Agency presently provides home-to-work transportation to the DCI, the DDCI and the D/DCI/IC. None of these officers fall within the categories mentioned above. Subparagraph (c) is not applicable to the present case because the DCI, the DDCI and the D/DCI/IC do not fall within the definition

~~SECRET~~

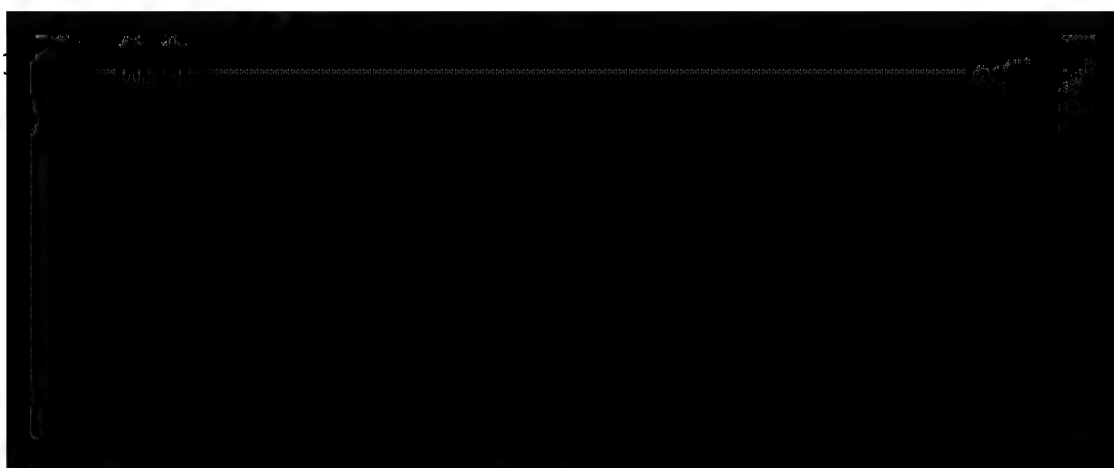
SECRET

of "the heads of executive departments" as enumerated in section 101 of Title 5. 5 U.S.C. 101 defines "executive departments" as:

The Department of State.
The Department of the Treasury.
The Department of Defense.
The Department of Justice.
The Post Office Department.
The Department of the Interior.
The Department of Agriculture.
The Department of Commerce.
The Department of Labor.
The Department of Health, Education,
and Welfare.
The Department of Housing and
Urban Development.
The Department of Transportation.

The Central Intelligence Agency is an independent establishment as defined in 5 U.S.C. 104, and while considered an executive agency for most purposes, it is not considered to be an executive department. Absent any factors satisfying the first three exceptions, we must determine the existence of any authority otherwise provided for by "applicable law" as permitted in subparagraph (d).

FOIAb5



7. The Agency policy established by the DCI to implement this statutory authority is found at [REDACTED] which states:

25X1A

SECRET

FOIAb5

Approved For Release 2001/09/06 : CIA-RDP80-00473A000800110001-5

Next 1 Page(s) In Document Exempt

Approved For Release 2001/09/06 : CIA-RDP80-00473A000800110001-5

Extracted from: Conference Committee Report on H.R. 14262, Department of Defense
1977 Appropriation.

TITLE VIII—RELATED AGENCY

INTELLIGENCE COMMUNITY OVERSIGHT

Amendment No. 113: Appropriates \$5,600,000 for "Intelligence Community Oversight" as proposed by the House.

The conferees agreed that a separate appropriation for "intelligence Community Oversight" would give increased independence and stature to the activities of the Intelligence Community Staff and to the National Foreign Intelligence Board. This independence will help assure vigorous oversight of the intelligence community.

The conferees also agreed that a public appropriation would do no harm and could do much good as a symbol of the congressional intent that there be strong, central direction of the intelligence community. The conferees agreed, however, that other elements of the intelligence and intelligence-related budgets should not be revealed, since to do so could result in harmful effects to United States security.

The main desire of the conferees is to enable the Intelligence Community Staff and the National Foreign Intelligence Board to achieve policy independence. There is no intent to preclude the provision under the Economy Act and other general authorities of certain administrative services, including but not limited to, security, communications, financial, logistics, and computer services by other elements of the intelligence community (or even the non-intelligence community within the dictates of security). However, any such administrative services must be funded from the "Intelligence Community Oversight" appropriation through transfers or other appropriate devices. There is to be no augmentation of this appropriation, except by supplemental appropriations. There is also to be no carryover of unobligated funds, since this is intended to be an annual appropriation. The normal apportionment procedures of the Office of Management and Budget should apply to this appropriation. Within the above caveats, the conferees agreed that, to the extent it is permissible under existing law, the authorities granted to the Director of Central Intelligence and to the Central Intelligence Agency in regard to such activities as hiring and procurement practices may apply to the activities funded by the "Intelligence Community Oversight" appropriation.

While the conferees have no objection to provision of reimbursed support services from other sources, they feel it would be inappropriate to depend on other sources for policy sensitive services. To do so would be to deny the intent of Congress, which is that the Intelligence Community Staff and the National Foreign Intelligence Board be totally independent.

The Committees will expect that separate budget justifications and congressional testimony shall be presented in defense of the 1978 budget request for "Intelligence Community Oversight". This justification material in addition to the normal information concerning personnel levels and dollars requested, shall include a discussion of the principal achievements of the Intelligence Community Staff, the National Foreign Intelligence Board, and the Committee on Foreign Intelligence, including a summary by program and agency of the amounts requested and the amounts approved for intelligence and intelligence related activities.

STATINTL

Approved For Release 2001/09/06 : CIA-RDP80-00473A000800110001-5

Next 2 Page(s) In Document Exempt

Approved For Release 2001/09/06 : CIA-RDP80-00473A000800110001-5

Central Intelligence Agency



DD/A Registry

File *Vehicles*

Executive Registry
77-348/A
DD/A Registry
77-0784

Washington, D.C. 20505

OLC 77-0428/A

10 FEB 1977

Honorable William W. Proxmire, Chairman
Subcommittee on Priorities and Economy in
Government
Joint Economic Committee
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This is in response to your letter of 2 February 1977 regarding the use of official vehicles by the Central Intelligence Agency. The answers on the enclosed fact sheet correspond to the numbered questions in your letter. You will find that the justifications cited for Agency use of Government-owned vehicles primarily relate to the protection of classified documents, protection against possible threats to the safety of the individuals using the vehicles, and communications efficiency. An additional benefit is that it permits an extension of the normal work day.

I hope that the fact sheet is fully responsive to your queries, and I would be pleased to provide any additional information required to satisfy your concern.

I ask that you not publicize this reply. I request this not because I believe there is anything questionable or embarrassing in our use of vehicles but, rather, because public knowledge that the three officials travel with classified information and that it is stored in their residences would unnecessarily increase the risk to the safety of the classified material, these officials, and possibly their families and residences.

Sincerely,



E. H. Knoche
Acting Director

STATINTL

Enclosure

Distribution:

Original - Addressee w/encl.
(via courier)

1 - Acting DCI w/encl.

1 - D/DCI/IC w/encl.

1 - BDA w/encl.

1 - OGC w/encl.

1 - D/OL w/encl.

1 - OLC Subject w/encl

1 - OLC Chrono w/o encl

1 - BLP Chrono w/encl.

1 - EP w/encl

Approved For Release 2001/09/06 : CIA-RDP80-00473A000800110001-5

OLC:BLP:hms (9 February 1977)

FACT SHEET

1. The following Agency officials are driven to and from home: the Director of Central Intelligence (DCI), the Deputy Director of Central Intelligence (DDCI), and the Deputy to the DCI for the Intelligence Community (D/DCI/IC).

2. Other than the officers noted above, no vehicle is assigned to any one individual for his or her exclusive use.

3. The relevant provisions of 31 U.S.C. 638a(c) provide:

Unless otherwise specifically provided, no appropriation available for any department shall be expended--...

*

*

*

(2) for the maintenance, operation, and repair of any Government-owned passenger motor vehicle or aircraft not used exclusively for official purposes; and "official purposes" shall not include the transportation of officers and employees between their domiciles and places of employment, except in cases of medical officers on out-patient medical service and except in cases of officers and employees engaged in field work the character of whose duties makes such transportation necessary and then only as to such latter cases when the same is approved by the head of the department concerned...

Section 101-39.602-1 of the Federal Property Management Regulations (41 CFR 101-39.602), promulgated pursuant to the cited section, states:

(a) Officers and employees of the Government shall use Government-owned or leased vehicles for official purposes only. "Official purposes" does not include transportation of an officer or employee between his place of residence and place of employment, unless authorized under the provisions of 31 U.S.C. 638a(c) (2), or other applicable law... (Emphasis added.)

Both the statute and regulations recognize the possibility of the existence of other statutory authority which may provide for the provision of transportation notwithstanding the prohibition contained in 31 U.S.C. 638a.

FOIAb5

FOIAb5

STATINTL

Approved For Release 2001/09/06 : CIA-RDP80-00473A000800110001-5

Approved For Release 2001/09/06 : CIA-RDP80-00473A000800110001-5

6. The annual cost of these vehicles, including maintenance, repair, gas and oil, is:

DCI: Two vehicles (1973 Chevrolet and 1976 Chevrolet, driven total of 27,119 miles) -- Total cost: \$1,439.

DDCI: One vehicle (1975 Chevrolet driven 18,135 miles) -- Total cost: \$972.

D/DCI/IC: Two vehicles (1974 Plymouth and 1976 Chevrolet driven total of 22,060 miles) -- Total cost: \$1,238.

The Director

Central Intelligence Agency



Washington, D.C. 20505

OLC RECORD COPY

Executive Registry

77-348/A

OLC 77-0428/A

10 FEB 1977

11 FEB 1977

11 FEB 1977

Honorable William W. Proxmire, Chairman
Subcommittee on Priorities and Economy in
Government
Joint Economic Committee
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This is in response to your letter of 2 February 1977 regarding the use of official vehicles by the Central Intelligence Agency. The answers on the enclosed fact sheet correspond to the numbered questions in your letter. You will find that the justifications cited for Agency use of Government-owned vehicles primarily relate to the protection of classified documents, protection against possible threats to the safety of the individuals using the vehicles, and communications efficiency. An additional benefit is that it permits an extension of the normal work day.

I hope that the fact sheet is fully responsive to your queries, and I would be pleased to provide any additional information required to satisfy your concern.

I ask that you not publicize this reply. I request this not because I believe there is anything questionable or embarrassing in our use of vehicles but, rather, because public knowledge that the three officials travel with classified information and that it is stored in their residences would unnecessarily increase the risk to the safety of the classified material, these officials, and possibly their families and residences.

Sincerely,



E. H. Knoche
Acting Director

STATINTL

Enclosure

Distribution:

Original - Addressee w/encl.

(via courier)

1 - Acting DCI w/encl.

1 - D/PCI/IC w/encl.

1 - DDA w/encl.

1 - OGC w/encl.

1 - D/CI w/encl.

1 - OLC Subject w/encl

1 - OLC Chrono w/o encl

1 - BLP Chrono w/encl.

1 - ER w/encl

Approved For Release 2001/09/06 : CIA-RDP80-00473A000800110001-5

OLC:BLP:hms (9 February 1977)

FACT SHEET

1. The following Agency officials are driven to and from home: the Director of Central Intelligence (DCI), the Deputy Director of Central Intelligence (DDCI), and the Deputy to the DCI for the Intelligence Community (D/DCI/IC).

2. Other than the officers noted above, no vehicle is assigned to any one individual for his or her exclusive use.

3. The relevant provisions of 31 U.S.C. 638a(c) provide:

Unless otherwise specifically provided, no appropriation available for any department shall be expended--....

*

*


*

(2) for the maintenance, operation, and repair of any Government-owned passenger motor vehicle or aircraft not used exclusively for official purposes; and "official purposes" shall not include the transportation of officers and employees between their domiciles and places of employment, except in cases of medical officers on out-patient medical service and except in cases of officers and employees engaged in field work the character of whose duties makes such transportation necessary and then only as to such latter cases when the same is approved by the head of the department concerned...

Section 101-39.602-1 of the Federal Property Management Regulations (41 CFR 101-39.602), promulgated pursuant to the cited section, states:

(a) Officers and employees of the Government shall use Government-owned or leased vehicles for official purposes only. "Official purposes" does not include transportation of an officer or employee between his place of residence and place of employment, unless authorized under the provisions of 31 U.S.C. 638a(c) (2), or other applicable law... (Emphasis added.)

Both the statute and regulations recognize the possibility of the existence of other statutory authority which may provide for the provision of transportation notwithstanding the prohibition contained in 31 U.S.C. 638a.



FOIAb5

FOIAb5

STATINTL

Approved For Release 2001/09/06 : CIA-RDP80-00473A000800110001-5

Approved For Release 2001/09/06 : CIA-RDP80-00473A000800110001-5

6. The annual cost of these vehicles, including maintenance, repair, gas and oil, is:

DCI: Two vehicles (1973 Chevrolet and 1976 Chevrolet, driven total of 27,119 miles) -- Total cost: \$1,439.

DDCI: One vehicle (1975 Chevrolet driven 18,135 miles) -- Total cost: \$972.

D/DCI/IC: Two vehicles (1974 Plymouth and 1976 Chevrolet driven total of 22,060 miles) -- Total cost: \$1,238.

STATINTL

*Mailbox Task looked
this over — coffee
given to [redacted]*

1. Question - What Officials, By Title, Are Driven To And From Work?

Answer - DCI, DDCI, AD/DCI/IC

2. Question - What Official(s) Has A Vehicle Assigned For Their Exclusive Use?

Answer - DCI, DDCI, IC, OLC

3. Question - What Is The Annual Cost Of Chauffeurs, Including Overtime For Exclusive Use Vehicles?

Answer - DCI - Salary \$14,788, Overtime \$16,376, Total \$31,164

DDCI - Salary \$14,788, Overtime \$ 9,885, Total \$24,673

AD/DCI/IC - Salary \$13,582, Overtime \$ 7,410, Total \$20,992

OLC - Salary \$13,582, Overtime \$ 4,751, Total \$18,833

4. Question - What Is The Annual Cost For Vehicles To Include, Maintenance, Repair, Gas And Oil?

Answer - DCI - 2 Vehicles \$1,439 Total
(73 Chevy and 76 Chevy Driven Total Of 27,119 Miles)

DDCI - 1 Vehicle \$ 972 Total
(75 Chevy Driven 18,135 Miles)

AD/DCI/IC - 2 Vehicles \$1,238 Total
(74 Plymouth And 76 Chevy Driven Total 22,060 Miles)

OLC - 1 Vehicle \$1,159 Total
(72 Chevy Driven 16,285 Miles)

NOTE: Average Miles Per Gallon - 12

Cost Of Gasoline -.41 Gallon

Legislative Counsel
7D 49 Hqs

George:

Here is the document on the
DCI car to which I made reference on
7 February.

BF Jack

John F. Blake

Att (DDA 77-0713)

STATINTL

Deputy Director for Administration
STATOTHR 7D 24 Hqs, [REDACTED] 7 Feb 77

DDA:JFBlake:kmg (7 Feb 77)

Distribution:

- Orig RS - LC w/cy of Att
- ~~1~~ - DDA Subject w/Att
- 1 - DDA Chrono w/att
- 1 - JFB Chrono w/att

Att: Memo dtd 7 Feb 77 to A/DCI fr DDA re
justification paper for DCI vehicle
Background: DDA 77-0687

STATINTL

DDA 77-0713

7 February 1977

MEMORANDUM FOR: Acting Director of Central Intelligence
FROM : John F. Blake
Deputy Director for Administration

Hank:

Attached is a "justification paper" for a DCI vehicle. I had it written up in connection with briefings we were giving to Sorensen. I have taken a copy of it and sent it to George Cary in connection with the missile in from Senator Proxmire. I have read your draft which is primarily based on efficiency and the safeguarding of classified material. I believe that at least equal weight should be given to safeguarding the person of the DCI against the crank and sick minds of the world, and also the matter of having instant communications available.

John F. Blake

Att

Distribution:

Orig - A/DCI w/att
1 - ER w/att
1 - LC w/att

~~1~~ - DDA Subject w/att
1 - DDA Chron o w/att
1 - JFB Chrono

DDA:JFBBlake:kmg (7 Feb 77)

25X1A

Approved For Release 2001/09/06 : CIA-RDP80-00473A000800110001-5

Next 2 Page(s) In Document Exempt

Approved For Release 2001/09/06 : CIA-RDP80-00473A000800110001-5

WILLIAM PROXMIRE
WISCONSIN

Approved For Release 2001/09/06 : CIA-RDP80-00473A000800110001-5

Executive Registry
77-348

United States Senate

WASHINGTON, D.C. 20510

February 2, 1977

OLC #77-0728

DD/A Registry
77-0687

Mr. Enno Knoche
Acting Director
CIA
Washington, D.C.

Dear Mr. Knoche:

As Chairman of the Subcommittee on Priorities and Economy in Government of the Joint Economic Committee I have long been interested in the way official cars are used by government officials.

Under Title 31, Section 638a, government cars may be used only for "official purposes" and according to the precise language of that Section, "official purposes" does NOT include driving officials to and from their home.

The only exceptions to the law are 1) The President, 2) Members of the President's Cabinet, 3) physicians on outpatient duty, 4) officials on "field service" far from their home base, and 5) Ambassadors abroad.

I am writing to inquire about the practice in your Agency

- 1) What officials, by title, in your Agency are driven to and from home?
a car assigned for his or her exclusive use
- 2) To what official is ~~driven to and from home~~ in view of Title 31, ~~use?~~
- 3) If an official is driven to and from home, in view of Title 31, Section 638a, what is the specific legal justification for the practice?
- 4) If any official not exempted by Title 31, Section 638a is driven to and from home, how is the practice justified in view of the energy shortage and the fact that such a practice means four trips a day instead of two trips a day?
- 5) What is the annual cost of the chauffeurs or drivers of such vehicles, including their overtime pay?
- 6) What is the annual cost of the vehicle in terms of depreciation, maintenance, gas, oil, etc?

I would appreciate a reply within ten days and I intend to make the replies public.

Sincerely,

Approved For Release 2001/09/06 : CIA-RDP80-00473A000800110001-5

William Proxmire, U.S. Sen.

The Director
Central Intelligence Agency

HDCI's first draft



Washington, D.C. 20505

7 February 1977

United States
Washington, D.C.

Dear

I justify this use of chauffeur-driven vehicles (all of which are medium-sized sedans) on grounds that they are used as extensions of the office. Classified documents are studied during the drive to and from the residences and classified material is stowed in security-approved safes at the three residences for night-time study.

The vehicles thus permit an additional three hours or so for out-of-office work. It would of course be improper and counter to security regulations for any of the three officials to carry classified documents about in vehicles and it would of course not be possible to work on classified documents while driving.

In short, to eliminate the chauffeured vehicles of the three officials would be to reduce substantially the hours they willingly devote to classified work in connection with their duties.

You say in your letter, Senator Proxmire, that you intend to publicize this reply. I must ask you not to do this. I request this not because I think there is anything questionable in our vehicles use but simply because it should not be publicly known that the three officials travel to and from their residences with classified information and that it is stored overnight in their residences. To publicize this would be to run unnecessary risk with regard to the safety of the classified information of the three officials and their families and residences.

Sincerely,

E. M. Knoche
Acting Director